

Introduced by Senator Ashburn

February 20, 2004

An act to amend ~~Section 6047.63~~ of Sections 6047.60, 6047.63, 6047.64, 6047.68, 6047.69, 6047.70, 6047.74, 6047.76, 6047.77, 6047.78, 6047.79, 6047.80, 6047.82, 6047.87, 6047.88, 6047.89, 6047.94, 6047.96, 6047.97, 6047.101, 6047.105, 6047.109, 6047.112, 6047.113, 6047.118, 6047.124 of, and to repeal Section 6047.93 of, the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1604, as amended, Ashburn. Pest control: Pierce's disease.

Existing law, the Table Grape Pest and Disease Control District Law, establishes a procedure for the organization, operation, and dissolution of districts to, among other things, respond to, manage, and control the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other pests that attack grapevines. ~~For purposes of these provisions, under existing law the definition of "owner" includes joint owner, coowner, guardian, executor, administrator, or any other person that holds property in a trust capacity under court appointment.~~

Existing law requires that proceedings for the formation of a district within a county shall be commenced by a petition that is signed by specified percentages of table grape growers. Existing law authorizes the district to cause assessments to be levied on table grapes being grown in the district to pay obligations of the district incurred to accomplish the purposes of the district.

This bill would ~~include lessee in the definition of owner~~ *change the term table grape growers to table grape acreage owners. This bill would clarify that these abatement districts apply to infestations of other pests in addition to the glassy-winged sharpshooter and Pierce’s disease. This bill would instead authorize the district to recommend an assessment to the board of supervisors to be levied on the owners of acreage of table grapes being grown in the district. This bill would make other conforming changes.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 6047.63 of the Food and Agricultural~~
- 2 *SECTION 1. Section 6047.60 of the Food and Agricultural*
- 3 *Code is amended to read:*
- 4 6047.60. The Legislature hereby finds and declares the
- 5 following:
- 6 (a) California is the leading producer of table grapes in the
- 7 United States, accounting for 97 percent of table grapes grown in
- 8 this country.
- 9 (b) Table grapes are grown in 15 counties located throughout
- 10 the state.
- 11 (c) California grows more than 170,000 acres of table grapes
- 12 producing over 700,000 tons of table grapes per year, valued at
- 13 more than eight hundred sixty million dollars (\$860,000,000) with
- 14 a direct and indirect impact on the state’s economy that totals more
- 15 than four billion dollars (\$4,000,000,000).
- 16 (d) The plant killing bacterium, *Xylella fastidiosa*, and the
- 17 ~~resulting pathogen,~~ *plant disease known as* Pierce’s disease, and
- 18 its vectors, present a clear and present danger to California’s nearly
- 19 three billion dollar (\$3,000,000,000) grape industry, as well as to
- 20 many other commodities and plant life.
- 21 (e) Pierce’s disease and its vector the glassy-winged
- 22 sharpshooter have spread into the southern San Joaquin Valley,
- 23 which, if left unabated, places grapes and other commodities
- 24 throughout California in immediate peril.



1 (f) In addition to the research funds and program provisions set
2 forth in Article 8 (commencing with Section 6045) of Chapter 9
3 of Part 1 of Division 4, dealing with wine grapes, the table grape
4 industry is at substantial risk for Pierce’s disease *and other pests*
5 and recognizes the need for additional specific control programs.

6 (g) Additional programs may include field treatments similar
7 to, or the expansion of, the successful United States Department
8 of Agriculture and California Department of Food and Agriculture
9 General Beale area pilot program in Kern County. The expansion
10 of those programs may require industry assessments from the table
11 grape industry through the creation of a pest abatement district.

12 (h) The state has an interest in protecting its agricultural
13 products from further destruction by the glassy-winged
14 sharpshooter and Pierce’s disease, *and other pests*.

15 (i) As a known vector for Pierce’s disease, the glassy-winged
16 sharpshooter has been determined to carry and spread Pierce’s
17 disease to many forms of California agriculture, usually with
18 complete destruction to the infected crop. This destructive effect
19 of the disease has been determined by experts in the viticulture
20 field to be especially true with respect to infected table grapes. To
21 avoid a potentially catastrophic loss to one of California’s most
22 important industries, the Legislature declares that this article is in
23 the interest of the public health and welfare.

24 (j) This article shall not establish a precedent for, or supercede,
25 reduce, or in any way alter, government funding from any source
26 related to Pierce’s disease ~~or~~ *and other pests* in this state.

27 (k) The Legislature further declares that it is in the interest of
28 the public health and welfare that the districts authorized to be
29 created by this article not duplicate existing services already being
30 provided by the University of California, state, counties, or the
31 county agricultural commissioners to eradicate the glassy-winged
32 sharpshooter and Pierce’s disease, *and other pests*.

33 *SEC. 2. Section 6047.63 of the Food and Agricultural Code*
34 *is amended to read:*

35 6047.63. Unless the context otherwise requires, the
36 definitions in this section govern the construction of this article.

37 (a) “Board” or “board of directors” means the board of
38 directors of a district.

39 (b) “District” means a table grape pest abatement district
40 organized pursuant to this article.



1 (c) "Owner" includes joint owner, co-owner, guardian,
2 executor, administrator, or any other person that holds property in
3 a trust capacity under court appointment.

4 (d) "Pierce's disease" is the ~~pathogen~~ *disease of the*
5 *grapevines* caused by the bacterium *Xyella fastidiosa*.

6 (e) "Table grapes" means grapes produced that are intended to
7 be sold in their fresh form.

8 (f) "Table grape acreage" means any parcel of real property
9 with one or more acres of table grape plants.

10 (g) "Grower" or "producer" means any person who is
11 engaged within this state in the business of producing, or causing
12 to be produced, table grapes for market.

13 *SEC. 3. Section 6047.64 of the Food and Agricultural Code*
14 *is amended to read:*

15 6047.64. Proceedings for the formation of a district within
16 any county shall be commenced by a petition that is either of the
17 following:

18 (a) Signed by 50 percent or more of the table grape ~~growers~~
19 *acreage owners* who own 65 percent or more of the affected ~~land~~
20 *acreage*.

21 (b) Signed by 65 percent or more of the table grape ~~growers~~
22 *acreage owners* who own 50 percent or more of the affected ~~land~~
23 *acreage*.

24 The petition shall be addressed to, and filed with, the board of
25 supervisors of the county.

26 *SEC. 4. Section 6047.68 of the Food and Agricultural Code*
27 *is amended to read:*

28 6047.68. (a) The petition shall be accompanied by a fee in an
29 amount established by the board of supervisors as is necessary to
30 reimburse the county for all costs incurred by it in connection with
31 the proposed organization of the district and subsequent election.
32 *The board of supervisors may charge the district for actual*
33 *expenses incurred by the county in connection with the*
34 *proceedings for the formation of the district.*

35 (b) Upon the establishment of the district, the district shall
36 reimburse those who provided the funds specified in subdivision
37 (a) from assessments collected pursuant to this article.

38 *SEC. 5. Section 6047.69 of the Food and Agricultural Code*
39 *is amended to read:*



1 6047.69. (a) Upon the presentation and filing of a petition,
2 the board of supervisors shall refer the petition to the county
3 agricultural commissioner for the preparation of a register of
4 owners of table grape acreage within the proposed district, and for
5 an investigation and report.

6 (b) The *county* agricultural commissioner shall create a
7 register of all table grape acreage owners within the proposed
8 district and specifically describe the net acreage of land devoted
9 to the growing of table grapes by each ~~grower~~ *owner*. The
10 commissioner shall file with the register of table grape ~~growers~~
11 *acreage owners* a report to the board of supervisors describing the
12 present condition of the glassy-winged sharpshooter and Pierce's
13 disease infestations, *or infestation of other pests*, and any
14 proposed control program that may warrant the board of
15 supervisors proceeding with the organization of the district and
16 recommendation as to the advisability of creating the district.

17 *SEC. 6. Section 6047.70 of the Food and Agricultural Code*
18 *is amended to read:*

19 6047.70. (a) The board of supervisors shall fix a time and
20 place for a hearing of the petition.

21 (b) The hearing shall not be less than 20 days, or more than 40
22 days, after the filing of the petition with the board of supervisors.

23 (c) The board of supervisors shall order the county clerk to give
24 notice of the hearing that will do the following:

25 (1) State the time and place for the hearing that was fixed by the
26 board of supervisors.

27 (2) State that at the hearing protests will be considered by the
28 board of supervisors.

29 (3) State that requests in writing for the exclusion of ~~lands~~
30 *acreage* from, or the inclusion of ~~lands~~ *acreage* in, the proposed
31 district, will be heard and considered by the board of supervisors.

32 (4) State that the petition is available for inspection at the office
33 of the clerk of the board of supervisors.

34 (5) Designate the boundaries of the proposed district in
35 substantially the same way that they are described in the petition.

36 *SEC. 7. Section 6047.74 of the Food and Agricultural Code*
37 *is amended to read:*

38 6047.74. At the hearing, any owner of table grape acreage in
39 the proposed district may present to the board of supervisors a
40 request, in writing, for the exclusion of that ~~land~~ *acreage* or any



1 part of that ~~land~~ *acreage* from the proposed district upon a
 2 showing that the ~~land~~ *acreage* or part of that ~~land~~ *acreage* will not
 3 be benefited by the activities of the proposed district. However, if
 4 the excluded ~~land~~ *acreage* is planted with table grapes, the
 5 ~~landowner~~ *owner of the acreage* shall inform the district, in
 6 writing, within 30 days of planting. Factors that the board of
 7 supervisors may consider in its determination for exclusion, as set
 8 forth in an affidavit from the owner of the ~~land~~ *acreage*, shall
 9 include the following:

10 (a) That the ~~land~~ *acreage* is not planted to table grapes and will
 11 not be so planted in the foreseeable future, as evidenced by an
 12 affidavit from the ~~landowner~~ *owner of the acreage* so stating.

13 (b) That the ~~land~~ *acreage* has already been surveyed and is free
 14 from evidence of Pierce's disease *and other pests or diseases*.

15 (c) That there is no presence of the glassy-winged
 16 sharpshooter, its host plants, table grape pests or diseases, *or other*
 17 *pests*.

18 (d) That the table grape plants have been removed from the
 19 ~~land~~ *acreage* and that no living table grape plants remain on the
 20 ~~land~~ *acreage*.

21 (e) That exclusion of the ~~land~~ *acreage*, or any part of the ~~land~~
 22 *acreage*, from the district is unlikely to present a risk of
 23 glassy-winged sharpshooter infestation *or other pest infestation*
 24 because of the ~~land's~~ *acreage's* distance or isolation from infested
 25 geographical regions.

26 *SEC. 8. Section 6047.76 of the Food and Agricultural Code*
 27 *is amended to read:*

28 6047.76. (a) If the board of supervisors determines that the
 29 project is feasible and in the interest of the table grape ~~growers~~
 30 *acreage owners* of the county, the board of supervisors shall, by
 31 order entered in its minutes, declare the district is duly organized
 32 under the name designated in the petition for the formation of the
 33 district, subject to a majority vote of table grape ~~growers~~ *acreage*
 34 *owners* in the district.

35 (b) The order shall describe the territory included in the district
 36 and, if the board of supervisors does not exclude or include ~~land~~
 37 *acreage* pursuant to Section 6047.78, it is a sufficient description
 38 of the territory to describe the boundaries in substantially the same
 39 way as they are described in the petition.



1 (c) A copy of the order certified by the clerk of the board of
2 supervisors shall be filed with the county clerk and an election
3 shall be held among the table grape ~~growers~~ *acreage owners*
4 registered pursuant to Section 6047.68, as being in the district.

5 *SEC. 9. Section 6047.77 of the Food and Agricultural Code*
6 *is amended to read:*

7 6047.77. (a) Within 60 days of the filing of the supervisors'
8 declaration that the district is organized, an election among
9 registered table grape ~~growers~~ *acreage owners* shall be conducted.

10 (b) The county clerk shall report the results of the election to
11 the board of supervisors.

12 (c) If a majority of the eligible votes supports the decision of
13 the board of supervisors to create a Table Grape Pierce's Disease
14 Pest Abatement District, the county clerk shall file the board of
15 supervisors' order and results of the election for the record in the
16 office of the county recorder.

17 *SEC. 10. Section 6047.78 of the Food and Agricultural Code*
18 *is amended to read:*

19 6047.78. (a) In determining the boundaries of the district, the
20 board of supervisors shall exclude from the district any table grape
21 acreage that it finds will not be benefited by the proposed project,
22 pursuant to the facts in Section 6047.74, and it may include in the
23 district any ~~lands~~ *acreage* that it finds will be benefited if it also
24 finds it will be in the interest of the district to include ~~these lands~~
25 *this acreage*. The inclusion may be upon application of the owner
26 or, without the owner's application, upon giving the owner notice
27 of the proposed inclusion and an opportunity for a hearing on the
28 inclusion.

29 (b) Notice of inclusion shall be mailed, postage prepaid, by the
30 clerk of the board of supervisors, to the address of the owner of the
31 ~~land~~ *acreage* as shown by the last equalized county assessment
32 roll, and to any person that has filed with the clerk that person's
33 name and address and description of ~~land~~ *acreage* in which he or
34 she has either a legal or equitable interest. The notice shall describe
35 the ~~land~~ *acreage* proposed to be included, and shall state the time
36 and place at which objections to the inclusion will be heard.

37 (c) Any owner of table grape acreage outside of the proposed
38 district may present to the board of supervisors a request in writing
39 for inclusion of the acreage in the proposed district.



1 SEC. 11. Section 6047.79 of the Food and Agricultural Code
2 is amended to read:

3 6047.79. Upon the filing of the order of organization and
4 results of an election of ~~growers~~ table grape acreage owners, the
5 board of supervisors shall immediately appoint a board of
6 directors of five members to administer the affairs of the district.

7 SEC. 12. Section 6047.80 of the Food and Agricultural Code
8 is amended to read:

9 6047.80. ~~To~~ Except as provided in Section 6047.124, to be
10 eligible to be a director of the district, a person shall be an owner
11 of ~~lands~~ acreage included in the district that are devoted, in whole
12 or in part, to the growing of table grapes.

13 SEC. 13. Section 6047.82 of the Food and Agricultural Code
14 is amended to read:

15 6047.82. (a) From and after the filing for record of the order
16 of the board of supervisors declaring the district organized, and
17 certification from the county clerk that the ~~grower~~ vote of table
18 grape acreage owners upheld the creation of the district, pursuant
19 to Sections 6047.76 and 6047.77, and the appointment and
20 qualification of its first board of directors, the organization of the
21 district is complete. The district shall operate for a period of five
22 years from the date of its organization, and shall cease to exist after
23 five years unless the district is reauthorized the board of
24 supervisors.

25 (b) The board of directors shall hold a public hearing six
26 months prior to termination of its initial organization or last
27 reauthorization to determine whether the conditions of the
28 glassy-winged sharpshooter or Pierce's disease *or other pests*
29 warrant the reauthorization of the district for an additional five
30 years.

31 (c) The notice of hearing shall state the name of the district and
32 that consideration is being given to reauthorizing the district for an
33 additional five years, the boundaries of the district, and the time
34 and place for the hearing. Notice of the hearing shall be given as
35 provided in Sections 6047.71 and 6047.72. The board of directors
36 shall submit the record of the hearing and its recommendation to
37 the board of supervisors within 90 days of the hearing. The board
38 of supervisors shall approve or reject the recommendation. If it
39 rejects the recommendation, the board of supervisors shall return
40 the report accompanied by its reasons for the rejection to the board



1 of directors within 30 days of receipt. The board of directors may
2 thereafter address the reasons for rejection by the board of
3 supervisors and submit an amended report and new
4 recommendations for reauthorization for approval or rejection by
5 the board of supervisors, unless the district has ceased to exist
6 pursuant to subdivision (a).

7 (d) If the board of supervisors approves the continuation of the
8 district, the board shall, by an order entered in its minutes, declare
9 the district duly extended subject to a majority vote of table grape
10 ~~growers~~ *acreage owners* in the district. The ~~grower~~ *vote of the*
11 *table grape acreage owners* shall be held pursuant to Section
12 6047.77.

13 *SEC. 14. Section 6047.87 of the Food and Agricultural Code*
14 *is amended to read:*

15 6047.87. (a) The district may do all of the following:

16 (1) Sue and be sued in all actions and proceedings in all courts
17 and tribunals of competent jurisdiction.

18 (2) Adopt a seal and alter it at pleasure.

19 (3) Accept contributions, and by grant, purchase, gift, devise,
20 lease, or otherwise, and hold, use and enjoy, and lease, or otherwise
21 dispose of, real and personal property of every kind and
22 description within or without the district necessary to the full and
23 convenient exercise of its powers.

24 (4) ~~Cause assessments~~ *Recommend an assessment to the board*
25 *of supervisors to be levied on the owners of acreage of table grapes*
26 *being grown in the district to pay obligations of the district*
27 *incurred to accomplish the purposes of the district as provided in*
28 *this article, which may involve funding all or a portion of a Pierce's*
29 *disease or glassy-winged sharpshooter control program, or*
30 *program involving other pests.*

31 (5) Make contracts, and employ, except as otherwise provided
32 in this article, all persons, firms, and corporations necessary to
33 carry out the purposes and the powers of the district, and at any
34 salary, wage, or other compensation as the board of directors shall
35 determine.

36 (6) Respond to the effects of, the spread of glassy-winged
37 sharpshooter and Pierce's disease, *and other pests*, and collect and
38 disseminate to table grape ~~growers~~ *acreage owners* in the district
39 relevant information and scientific studies concerning ~~the pest or~~



1 ~~disease~~ *these pests or diseases*, as well as to chart and determine
2 the extent and location of any infestations.

3 (7) Take all actions necessary to control, eradicate, remove, or
4 prevent the spread of the glassy-winged sharpshooter or Pierce’s
5 disease, or other pests injurious to table grapes.

6 (8) With reasonable advance notice in writing to the ~~landowner~~
7 *owner of the acreage*, as determined by the district, enter into or
8 upon any ~~land~~ *acreage* included within the boundaries of the
9 district for the purpose of inspecting the grape plants and any other
10 host plants and fruit growing on ~~these lands~~ *this acreage*.

11 (9) Eradicate, eliminate, remove, or destroy any table grape
12 plants having evidence of Pierce’s disease *or other pests*.

13 (10) Coordinate with the County Agricultural Commissioner
14 as to the commissioner’s taking appropriate actions to have any
15 table grape plants growing within the district infested with Pierce’s
16 disease *or other pests* adjudged a public nuisance, and decreed that
17 the nuisance be abated.

18 (11) Coordinate district activities with other Table Grape
19 Pierce’s Disease Pest Abatement Districts established pursuant to
20 this article and with the Pierce’s Disease and Glassy-winged
21 Sharpshooter Board established pursuant to Section 6047.3.

22 (12) Perform any and all acts, either within or outside the
23 district, necessary or proper to fully and completely carry out the
24 purposes for which the district is organized.

25 (b) The district’s administrative costs shall be limited to 5
26 percent of the annual assessment revenue.

27 *SEC. 15. Section 6047.88 of the Food and Agricultural Code*
28 *is amended to read:*

29 6047.88. Every district formed pursuant to this article has all
30 of the powers prescribed by Section ~~6047.86~~ 6047.87 and other
31 provisions of this article, regardless of any language in the petition
32 for formation for any district or in any of the proceedings leading
33 to the formation that would otherwise limit the power of the
34 district.

35 *SEC. 16. Section 6047.89 of the Food and Agricultural Code*
36 *is amended to read:*

37 6047.89. The county agricultural commissioner of the county
38 in which the district is located shall, upon request of the board,
39 assist the district to the extent possible in all activities undertaken



1 by the district for the control of glassy-winged sharpshooter and
2 Pierce's disease *or other pests*.

3 *SEC. 17. Section 6047.93 of the Food and Agricultural Code*
4 *is repealed.*

5 ~~6047.93. The board of supervisors may charge the district for~~
6 ~~actual expenses incurred by the county in connection with the~~
7 ~~proceedings for the formation of the district, and the district shall~~
8 ~~reimburse the county from assessments levied for those expenses.~~

9 *SEC. 18. Section 6047.94 of the Food and Agricultural Code*
10 *is amended to read:*

11 6047.94. The county assessor, in making the annual
12 assessment of property included in the district each and every year
13 after the organization of the district, shall identify any parcel of
14 real property with one acre or more of table grape plants *that shall*
15 *be subject to assessments.*

16 *SEC. 19. Section 6047.96 of the Food and Agricultural Code*
17 *is amended to read:*

18 6047.96. (a) After the district has been formed, an owner of
19 table grape acreage in the district may present to the board a
20 request in writing for the exclusion of that ~~land~~ acreage or any part
21 of the ~~land~~ acreage from the district upon a showing that the ~~land~~
22 acreage or part of the ~~land~~ acreage will not be benefited by the
23 activities of the district. Factors that the board may consider in its
24 determination for exclusion, as set forth in an affidavit from the
25 owner of the ~~land~~ acreage, shall include those specified in Section
26 6047.74.

27 (b) After receipt of the request, the board shall cause an
28 investigation of the parcel of ~~land~~ acreage to be made and, if the
29 board determines that the ~~land~~ acreage or part of the ~~land~~ acreage
30 will not be benefited by the activities of the district, the board shall
31 exclude the table grape acreage from the district and immediately
32 certify this fact to the county assessor and the county auditor or tax
33 collector.

34 (c) Any owner of table grape acreage outside of, or otherwise
35 not included in, the district may present to the board a request in
36 writing for inclusion of the ~~land~~ acreage in the district.

37 *SEC. 20. Section 6047.97 of the Food and Agricultural Code*
38 *is amended to read:*

39 6047.97. (a) The board shall, on or before the first Monday
40 in April of each year, or as soon thereafter as possible, file with the



1 board of supervisors a budget that sets forth all estimated
2 expenditures of the district for the fiscal year commencing on the
3 first day of July. A copy of the budget shall also, at the same time,
4 be filed with the auditor of the county.

5 (b) The board of supervisors may, by ordinance or by
6 resolution, adopted after notice and a hearing, determine and levy
7 an assessment for table grape pest and disease control activities *or*
8 *other pests* for any of the following purposes:

9 (1) Responding to, managing, and controlling the effects of the
10 spread of glassy-winged sharpshooter and other pests that attack
11 table grape plants.

12 (2) Collecting and disseminating to table grape ~~producers~~
13 *growers* in the district relevant information and scientific studies
14 concerning the pest or pests.

15 (3) Charting and determining the extent and location of any
16 Pierce's disease infestations *and infestations of other pests*.

17 (4) Reimbursing the county or counties in which the district is
18 located for expenses incurred in connection with providing
19 services under this article that are not otherwise reimbursed.

20 (c) The annual assessment shall not exceed fifteen dollars (\$15)
21 per planted acre.

22 (d) An annual assessment greater than the amount provided for
23 in this section may not be charged unless a greater assessment is
24 approved by eligible ~~growers~~ *owners* pursuant to subdivisions (a)
25 and (b) of Section 6047.64.

26 (e) The board of supervisors shall cause to be prepared and filed
27 with the clerk of the board of supervisors a written report that
28 contains all of the following information:

29 (1) A description of each parcel of property proposed to be
30 subject to the assessment.

31 (2) The amount of the assessment of each parcel for the initial
32 fiscal year.

33 (3) The maximum amount of the assessment that may be levied
34 for each parcel during any fiscal year.

35 (4) The duration of the assessment.

36 (5) The basis of the assessment.

37 (6) The schedule of the assessment.

38 (7) A description specifying the requirements for written and
39 oral protests, and the protest threshold necessary for requiring



1 abandonment of the proposed assessment pursuant to subdivision
2 (f).

3 (f) Unless otherwise excluded, the assessment shall be levied
4 on each parcel within the boundaries of the district, zone, or area
5 of benefit.

6 (g) (1) The legislative body shall comply with the notice
7 protest, and hearing procedures in Section 53753 of the
8 Government Code.

9 (2) In addition, the mailed notice shall include the name of the
10 district, the return address of the sender, the amount of the
11 assessment for the initial fiscal year, the maximum amount of the
12 assessment that may be levied during any fiscal year and the name
13 and telephone number of the person designated by the board of
14 supervisors to answer inquiries regarding the protest proceedings.

15 *SEC. 21. Section 6047.101 of the Food and Agricultural Code*
16 *is amended to read:*

17 6047.101. The revenue from the assessments imposed
18 pursuant to this article by the district are trust funds and shall be
19 encumbered only for the purposes for which the district is formed
20 and for the benefit of the ~~property~~ *acreage* assessed. The district
21 shall expend the minimum amount necessary for overhead and
22 other administrative costs. No district funds shall be donated,
23 loaned, or transferred to any other local agency or to the state for
24 any purpose, except for the implementation of the duties of the
25 district, set forth under this article, as determined to be necessary
26 by the district board.

27 *SEC. 22. Section 6047.105 of the Food and Agricultural Code*
28 *is amended to read:*

29 6047.105. ~~Lands~~ *Acreage* devoted exclusively to the growing
30 of table grapes within a tract of land outside the district, but in the
31 county in which the district is located, may be annexed to the
32 district in the same manner provided in this article for the
33 formation of the district.

34 *SEC. 23. Section 6047.109 of the Food and Agricultural Code*
35 *is amended to read:*

36 6047.109. If the board of supervisors determines that
37 consolidation is feasible and in the best interests of the table grape
38 ~~growers~~ *acreage owners* of the respective districts, it shall, by
39 resolution duly adopted, declare the districts consolidated into one
40 district, giving the consolidated district a name that includes the



1 term “consolidated.” Certified copies of the resolution shall be
2 filed with the Secretary of State and with the county recorder of
3 each county in which is located any part of the consolidated
4 district. Upon the filing, the districts are consolidated into a single
5 consolidated district with all the rights, privileges, and powers of
6 a district. The consolidated district shall succeed to all the funds
7 and other property, and is subject to all the indebtedness, bonded
8 and otherwise, of the districts consolidated. Each district that is
9 included in the consolidated district shall continue in existence for
10 the purpose of representation on the board of the consolidated
11 district, and for the purpose of levying, assessing, and collecting
12 assessments for district purposes. The board of the consolidated
13 district is, however, the board of each district that is included in the
14 consolidated district.

15 *SEC. 24. Section 6047.112 of the Food and Agricultural Code*
16 *is amended to read:*

17 6047.112. Any district that has been included in a
18 consolidated district may withdraw from the consolidated district
19 and be reconstituted as a separate district by filing with the board
20 of directors of the consolidated district a petition for withdrawal
21 that is signed by the owners of not less than a majority, by area, of
22 table grape ~~land~~ *and acreage* in the district. The board of directors of
23 the consolidated district shall send the original petition to the board
24 of supervisors of the county in which the withdrawing district is
25 located, and a copy of the petition to the board of supervisors of
26 each of the other counties in which is located any part of the
27 consolidated district. Upon receipt of a petition for withdrawal, the
28 board of supervisors of the county in which the withdrawing
29 district is located shall fix a time and place for hearing the petition.
30 Notice shall be given and the hearing conducted in the same
31 manner and with the same effect as prescribed for the formation
32 of a district pursuant to Sections 6047.70, 6047.71, 6047.72,
33 6047.73, and 6047.74. Upon withdrawal of a district, all moneys
34 collected from the district for the use of the consolidated district,
35 and all property purchased with these moneys, shall remain the
36 property of the consolidated district.

37 *SEC. 25. Section 6047.113 of the Food and Agricultural Code*
38 *is amended to read:*

39 6047.113. Upon the filing of a petition with the board of
40 supervisors that is signed by either (1) 50 percent or more of the



1 table grape ~~growers~~ *acreage owners* who own 65 percent or more
2 of the affected ~~land~~ *acreage* or by (2) 65 percent or more of the
3 table grape ~~growers~~ *acreage owners* who own 50 percent or more
4 of the affected ~~land~~ *acreage* requesting the dissolution of the
5 district, the board of supervisors shall set a time and place for
6 hearing on the petition, which shall not be less than 20 days, or
7 more than 40 days, after the filing of the petition.

8 *SEC. 26. Section 6047.118 of the Food and Agricultural Code*
9 *is amended to read:*

10 6047.118. If, at the hearing, a majority of the board does not
11 find a compelling reason to override the ~~growers'~~ *owners'* petition
12 to dissolve the district, the board of supervisors shall by resolution
13 dissolve the district.

14 *SEC. 27. Section 6047.124 of the Food and Agricultural Code*
15 *is amended to read:*

16 6047.124. Owners of wine grapes and raisin grapes and any
17 other *agricultural* commodities may petition to become subject to
18 any district established pursuant to this article. The petition shall
19 adhere to all the requirements of this article and shall require the
20 approval of the board of directors of the affected district. *All*
21 *provisions of this article are hereby incorporated in this section*
22 *and are applicable to owners who become subject to a district*
23 *established pursuant to this article as though set forth in full in this*
24 *section unless a provision in this article expressly states that it is*
25 *not applicable to this section.*

26 *SEC. 28. This act is an urgency statute necessary for the*
27 *immediate preservation of the public peace, health, or safety*
28 *within the meaning of Article IV of the Constitution and shall go*
29 *into immediate effect. The facts constituting the necessity are:*

30 *The spread of the glassy-winged sharpshooter and Pierce's*
31 *disease, and other pests, threatens the economic viability of the*
32 *table grape industry. Because the immediate establishment of a*
33 *pest control district is necessary to avoid severe economic loss, it*
34 *is necessary for this act to take effect immediately.*

35 *Code is amended to read:*

36 ~~6047.63. Unless the context otherwise requires, the~~
37 ~~definitions in this section govern the construction of this article.~~

38 ~~(a) "Board" or "board of directors" means the board of~~
39 ~~directors of a district.~~



- 1 ~~(b) “District” means a table grape pest abatement district~~
2 ~~organized pursuant to this article.~~
- 3 ~~(c) “Owner” includes joint owner, co-owner, lessee, guardian,~~
4 ~~executor, administrator, or any other person that holds property in~~
5 ~~a trust capacity under court appointment.~~
- 6 ~~(d) “Pierce’s disease” is the pathogen caused by the bacterium~~
7 ~~*Xyella fastidiosa*.~~
- 8 ~~(e) “Table grapes” means grapes produced that are intended to~~
9 ~~be sold in their fresh form.~~
- 10 ~~(f) “Table grape acreage” means any parcel of real property~~
11 ~~with one or more acres of table grape plants.~~
- 12 ~~(g) “Grower” or “producer” means any person who is~~
13 ~~engaged within this state in the business of producing, or causing~~
14 ~~to be produced, table grapes for market.~~
- 15 ~~SEC. 2. This act is an urgency statute necessary for the~~
16 ~~immediate preservation of the public peace, health, or safety~~
17 ~~within the meaning of Article IV of the Constitution and shall go~~
18 ~~into immediate effect. The facts constituting the necessity are:~~
- 19 ~~Because the immediate establishment of a pest control district~~
20 ~~is necessary to avoid severe economic loss to the grape industry~~
21 ~~from the spread of the glassy-winged sharpshooter and Pierce’s~~
22 ~~disease, it is necessary for this act to take effect immediately as an~~
23 ~~urgency statute.~~

